



# California Association of Psychiatric Technicians

May 1, 2008

Dave Gilb, Director  
Department of Personnel Administration  
1515 "S" Street, North Bldg., Suite 400  
Sacramento, CA 95814

Dear Mr. Gilb:

Pursuant to Section 3523 of the Dills Act, the following is the initial meet and confer proposal of the California Association of Psychiatric Technicians for a successor agreement to the Bargaining Unit 18 agreement that expires June 30, 2008.

To simplify the presentation, we are first listing Part 1 which includes those sections of the agreement for which CAPT proposes to roll over existing language with no changes. After that, we list Part 2 which covers our proposals for change, including -- *but not limited to* -- certain specific areas.

## ***Part 1 -- No Changes Proposed by CAPT***

### **Preamble**

### **Article 1 -- General Provisions**

- 1.1 Recognition and Coverage
- 1.2 No Strike
- 1.3 No Lockout
- 1.4 Non-Discrimination
- 1.5 Savings Clause
- 1.7 Supersession

### **Article 2 -- Psychiatric Technicians Provisions**

- 2.2 Psychiatric Technician Career Ladder
- 2.3 Professional Practice Groups (PPGs)

### **Article 3 -- Management Rights**

### **Article 4 -- Wages**

- 4.1 Salary Definitions
- 4.4 Merit Salary Adjustments
- 4.7 Rate on Reinstatement after Separation



- 4.8 Semi-Monthly Pay
- 4.9 Timely Payment of Wages
- 4.10 401K Plan
- 4.12 Blood Withdrawal Certification
- 4.14 Union-Management Committee on State Payroll System
- 4.15 Pilot Recruitment and Retention Differential

## **Article 5 -- Hours of Work and Overtime**

- 5.2 Show-up Time
- 5.6 Days Off Cycles
- 5.8 Compensable Travel Time
- 5.9 Excess Time
- 5.10 Mixed Shifts
- 5.11 Alternate Work Schedules

## **Article 6 -- Leaves and Holidays**

- 6.1 Holidays
- 6.5 Maternal, Parental, Adoption Leave
- 6.7 Jury Duty
- 6.8 Release Time for State Civil Service Examinations
- 6.9 Catastrophic Leave (Work and Family Program Assistance)
- 6.10 Catastrophic Leave (Natural Disaster)
- 6.11 Personal Leave
- 6.12 Unpaid Leave of Absence
- 6.13 Family and Medical Leave Act (FMLA)

## **Article 7 -- Benefits**

- 7.2 Pre-Tax of Health/Dental Premiums Costs
- 7.3 Rural Subsidy Program
- 7.4 Joint Labor/Management Benefits Committee
- 7.5 Flexible Benefit (FlexElect) Program
- 7.6 Continuation of Flexible Benefits Election
- 7.7 Non-Industrial Disability Insurance (NDI)
- 7.8 Enhanced Non-Industrial Disability Insurance (ENDI) - Annual Leave
- 7.11 Meal Allowance
- 7.13 Client Escort Reimbursement
- 7.14 Replacement of Damaged Personal Clothing and/or Articles
- 7.16 State-Owned Housing Rental Rates
- 7.19 Transportation Incentives and Parking Rates
- 7.20 Long-Term Care Insurance Plan
- 7.21 Legal Services Plan



## **Article 8 -- Retirement Provisions**

- 8.1 Second Tier Retirement Plan
- 8.2 Sick Leave Credit Upon Retirement
- 8.3 Survivors' Benefits
- 8.4 Employer-Paid Employee Retirement Contributions
- 8.5 Items Excluded from Compensation for Retirement Purposes
- 8.6 First Tier Retirement Formula (2% @ 55)
- 8.8 Safety Retirement - Department of Developmental Services
- 8.9 First Tier Retirement Eligibility for Employees in Second Tier Retirement
- 8.10 Industrial Disability Retirement
- 8.11 Alternate Retirement Program

## **Article 9 -- Working Conditions**

- 9.1 Layoff and Reemployment
- 9.3 Seniority
- 9.6 Out-of-Class Work
- 9.7 Classification Changes
- 9.8 Adverse Action
- 9.10 Facility Transfer
- 9.11 Performance Appraisal
- 9.12 Request for Reinstatement after AWOL Separation
- 9.13 Psychiatric Technician Relief of Shift Supervisor (DDS & DMH only)

## **Article 10 -- Health and Safety**

- 10.2 Infectious Disease
- 10.3 Nursing Stations
- 10.4 Alarm Systems
- 10.5 Limited Day
- 10.6 Management of Assaultive Behavior
- 10.7 Employee Assistance Program
- 10.8 Emergency Care
- 10.9 Substance Abuse
- 10.10 Workplace Violence Prevention

## **Article 11 -- Committees**

- 11.1 Joint Apprenticeship
- 11.2 Labor-Management
- 11.3 Work and Family Programs
- 11.4 Labor/Management Committee on Forensic Safety
- 11.5 CDCR - Use of Permanent Intermittents and Retired Annuitants



## **Article 12 -- Representation and Association Provisions**

- 12.2 Access
- 12.3 Distribution of Literature
- 12.4 Use of State Facilities
- 12.5 Bulletin Boards
- 12.6 Orientation
- 12.7 Conferences and Schools
- 12.8 Association Leave Without Pay
- 12.9 Release from Duty (State Officers)
- 12.10 Release from Duty / Reduced Work Time, CAPT Chapter Officers
- 12.11 Fair Share Fees and Dues Deductions
- 12.12 Home Addresses
- 12.13 Use of State Equipment

## **Article 13 -- Grievance and Arbitration Procedure**

- 13.1 Grievance Procedure
- 13.2 Complaint Procedure
- 13.3 Individual Agreement

## **Article 14 -- Entire Agreement and Duration**

- 14.1 Entire Agreement
- 14.2 Duration

## **Appendix B -- Recruitment and Retention Differentials**

## **Appendix C -- Government Code Sections - Supersession**

## **Appendix D -- Sponsorship**

## **Appendix E -- Sample Contract**

## **Side Letter #1 -- Alternate Retirement Plan (ARP)**

## **Side Letter #2 -- Organ or Bone Marrow Donation**

## **Side Letter #3 -- Paid Time Off: Precinct Election Board**



## ***Part 2 -- Changes Proposed by CAPT***

### **Article 1 -- General Provisions**

- 1.6 Reasonable Accommodation  
CAPT proposes to negotiate changes in the provision.

### **Article 2 -- Psychiatric Technician Provisions**

- 2.1 Professional Recognition and Rights
- CAPT proposes to negotiate improvements that will shorten the time a formal investigation is conducted.
  - CAPT proposes to negotiate a provision that expands the number of CAPT representatives that can attend investigatory interview and Skellys.

CAPT proposes to negotiate a provision that makes all of 2.1 subject to the grievance and arbitration.

CAPT proposes to allow greater involvement of CAPT Chapter Officers and stewards in the operation of a PPG.

### **Article 4 -- Wages**

- 4.2 Salaries  
CAPT proposes to negotiate a fair and equitable wage increase that addresses issues of cost of living, inequities and recruitment and retention within Bargaining Unit 18.
- 4.3 Ranges B and C
- A. CAPT proposes to add an additional Range for Psych Techs who have a BA and to allow Psych Techs who have an AA degree to qualify for the Ranges.
  - B. Lift the 10 year cap on course eligibility.
- 4.5 Shift Differential  
CAPT proposes to negotiate increases in shift differential.
- 4.6 Bilingual Differential Pay  
CAPT proposes that previous certification by another Department will be accepted upon transfer.
- 4.11 Overpayments / Payroll Errors  
CAPT proposes to negotiate changes in section D and to increase the



time Unit 18 members are allowed to pay back payroll errors that are not the fault of the employee.

**4.13 Recruitment and Retention**

CAPT proposes to negotiate an increase in recruitment and retention differentials for Unit 18 employees at Coalinga State Hospital and Salinas Valley and Soledad State Prisons.

**Article 5 -- Hours of Work and Overtime**

**5.1 Overtime**

CAPT proposes to negotiate improvement that will reduce the amount of mandatory overtime and allow sick leave to count toward overtime worked.

**5.3 Call Back Time**

CAPT proposes to negotiate improvement.

**5.4 Rest Periods**

CAPT proposes to negotiate improvement that allows for more flexibility on the length of rest breaks.

**5.5 Meal Periods**

CAPT proposes to negotiate changes in this provisions.

**5.7 Exchange of Days Off**

CAPT proposes to negotiate change that will allow a review of the request for exchange 24 hours prior to change.

**Article 6 -- Leaves and Holidays**

**6.2 Vacation Leave**

CAPT proposes to negotiate increases in vacation leave.

**6.3 Annual Leave**

CAPT proposes to negotiate increases in Annual Leave.

**6.4 Sick Leave**

CAPT proposes to negotiate an increase in the number of family members eligible for family sick leave use.

**6.6 Bereavement Leave**

CAPT proposes to increase the number of family members covered by this provision and to expand the number of travel miles as defined in E.



**6.14 Work and Family Participation**

CAPT proposes to negotiate that would eliminate the provision that denies Family Crisis leave base upon operational needs.

Add a new 6.15 that allows a designated CAPT Representative or Representative up to 40 hours per year to attend job fairs, etc., in order to promote the Psychiatric Technician Profession and for recruiting purposes.

**Article 7 -- Benefits**

**7.1 Consolidated Benefits (CoBen) Program**

CAPT proposes the removal of Unit 18 employees from CoBen Coverage and to implement the individual benefit plans for Health Care, Vision and Dental.

- CAPT proposes that the State pick up any increase in Health, Vision and Dental plans.
- CAPT proposes to eliminate the two year health benefit vesting for employee's dependents.

**7.9/7.10 Industrial Disability Leave (IDL)/Enhanced Industrial Disability Leave (EIDL)**

CAPT proposes to negotiate a provision that allows an injured employee to return to the assignment he/she had prior to injury.

**7.12 Business and Travel Expenses**

CAPT proposes to adjust allowances based upon cost of living increases and to increase overtime meal allowances.

**7.15 License Renewal Fees**

CAPT proposes that the State pick up the full cost of the two year renewal for all employees working ½ time or more.

**7.17 Education and Training**

CAPT proposes to negotiate a provision that will allow state paid Educational leave and to increase the amount of reimbursement for books, tuition and fees.

**7.18 Continuing Education**

CAPT proposes changes in this provision to concur with BVNPT requirements.



## **Article 8 -- Retirement Provisions**

- 8.7 Safety Member Retirement Formula (2.5% @ 55)  
CAPT proposes to increase the retirement formula for all Unit 18 Safety classes to 3% @ 55.

## **Article 9 -- Working Conditions**

- 9.2 Post and Bid  
CAPT proposes to negotiate improvements in this provision.
- 9.4 Staffing  
CAPT proposes to negotiate improvements in staffing ratios.
- 9.5 Personnel File  
CAPT proposes to negotiate a provision in the article that will define what should be in Personnel files.
- 9.9 Notice of Shift Change  
CAPT proposes to negotiate changes in this provision that will allow voluntary shift changes and written notice giving the employee a reason for the change.

## **Article 10 -- Health and Safety**

- 10.1 Health and Safety  
CAPT proposes to negotiate a provision that will expand the definition of expedited health and safety grievance.
- 10.11 Safety Equipment  
CAPT proposes to negotiate for Safety Vests for Psych Techs working in CDCR.

## **Article 12 -- Representation and Association Provisions**

- 12.1 CAPT Representation  
CAPT proposes to negotiate a provision regarding release time for job stewards and CAPT representatives.

## **Article 13 -- Grievance and Arbitration Procedure**

- 13.4 Expedited Arbitration  
CAPT proposes to expand the definition of contract provisions covered by expedited arbitration.





**Appendix A -- Unit 18 Salaries**

CAPT proposes to modify the salary schedule to correspond with the salaries in effect April 1, 2007 and negotiated in Section 4.2.

New Appendix - side letter - Organ Donation

Sincerely,

A handwritten signature in black ink, which appears to read "Ken Murch". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ken Murch  
CAPT Consultant